



OFFICE OF THE GOVERNOR

January 28, 2019

Via United States Mail

Mr. Ben Welsh
MuckRock News
411A Highland Ave.
Somerville, MA 02144

RE: Public Records Act Request

Dear Mr. Welsh:

This letter is in response to your correspondence received January 22, 2019 requesting the following information for all emails sent or received by the Governor's Office between January 7 to January 14, 2019:

1. From address
2. To address
3. bcc addresses
4. cc addresses
5. Time
6. Date

As currently framed, your request for tens of thousands of records is overbroad and unduly burdensome under the Public Records Act. (See *City of San Jose v. Superior Court* (2017) 2 Cal.5th 608, 627.)

Moreover, a large percentage of all of the requested records are exempt from disclosure under the Public Records Act, because they reflect attorney work product or attorney-client privileged information (Gov. Code, § 6254, subd. (k); Evid. Code, § 954), are “correspondence of and to the Governor or employees of the Governor’s office (Gov. Code, § 6254, subd. (l)), or reveal the confidential deliberative process of high-level policymakers (Gov. Code, § 6255; *Cal. First Amend. Coalition v. Super. Ct.* (1998) 67 Cal.App.4th 159; *Times Mirror Co. v. Super. Ct.* (1991) 53 Cal.3d 1325). The burden of segregating exempt from non-exempt records here would be extremely heavy, requiring months and months of time on the part of attorneys within the Governor’s Office. When the “marginal and speculative benefit” of the records you have requested is “weighed against the cost and burden of segregating the exempt and nonexempt

material,” “the public interest served” by denying your request “clearly outweighs the public interest served” by disclosure. (*American Civil Liberties Union Foundation v. Deukmejian* (1982) 32 Cal.3d 440, 453-454; see also Gov. Code, § 6255 [exempting records from disclosure where “the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record”].)

Should you be interested in refining your request, we would be happy to work with you to do so.

Sincerely,



REI R. ONISHI
Deputy Legal Affairs Secretary